

Mario N. Alioto (56433)
Lauren C. Russell (241151)
TRUMP, ALIOTO, TRUMP & PRESCOTT LLP
2280 Union Street
San Francisco, CA 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
Email: malioto@tatp.com
Email: lauren russell@tatp.com

Interim Lead Counsel for Indirect-Purchaser Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. CV-07-5944-SC

MDL No. 1917

This Document Relates to:

ALL INDIRECT PURCHASER ACTIONS

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION OF INDIRECT-
PURCHASER PLAINTIFFS FOR CLASS
CERTIFICATION**

Date: TBD

Time: TBD

Before: Hon. Charles A. Legge (Ret.)
Special Master

The Honorable Samuel Conti

1 Plaintiffs respectfully request that this Court take judicial notice of the documents attached
 2 to this request as Exhibits 1 through 22. Plaintiffs make this request pursuant to Federal Rule of
 3 Evidence 201.

4 Judicial notice of these documents is proper. “Judicial notice may be taken of documents
 5 filed and orders or decisions entered in any federal or state court[]” because they are not
 6 susceptible to reasonable dispute. *See Jones & Rosen, Rutter Group Practice Guide, Federal Civil*
 7 *Trials and Evidence*, at ¶8:875, p. 8D-9 (2000). This includes records filed previously in the
 8 current litigation as well as in other proceedings. *See United States v. Borneo, Inc.*, 971 F.2d 244,
 9 248 (9th Cir. 1992) (a federal court “may take notice of proceedings in other courts, both within
 10 and without the federal judicial system, if those proceedings have a direct relation to matters at
 11 issue.”).

12 Plaintiffs respectfully request that this Court take judicial notice of the following
 13 documents:

14 Exhibit 1: A true and correct copy of the June 30, 2004 Order in *Ferrell v. Wyeth-Ayerst*
 15 *Labs.*, No. C-1-01-447, Order (S.D. Ohio).

16 Exhibit 2: A true and correct copy of the Feb. 2, 2005 Order in *Ferrell v. Wyeth-Ayerst*
 17 *Labs.*, No. C-1-01-447, Order (S.D. Ohio).

18 Exhibit 3: A true and correct copy of the Nov. 14, 2000 Order in *Friedman v. Microsoft*
 19 *Corp.*, No. CV 2000-000722 (Ariz. Super. Ct., Maricopa Cty.).

20 Exhibit 4: A true and correct copy of the May 1, 1997 “Order Granting Motion For Motion
 21 For Class Certification” in *Aguilar v. Atlantic Richfield Corp.*, 1998-1 Trade Cas. (CCH) ¶72,080
 22 (Cal. Super. Ct., San Diego Cty.).

23 Exhibit 5: A true and correct copy of the June 17, 2004 “Order Granting Motion of
 24 Plaintiffs For Class Certification” in *In re Automotive Refinishing Paint Cases*, No. J.C.C.P. 4199
 25 (Cal. Super. Ct., Alameda Cty.).

26 ///

27 ///

1 Exhibit 6: A true and correct copy of the March 27, 2007 “Order Granting Plaintiffs’
2 Motion for Class Certification” in *In re Reformulated Gasoline (RFG) Antitrust & Patent Litig.*,
3 No. CV-05-01671 (VBKx) (C.D. Cal.).

4 Exhibit 7: A true and correct copy of the June 29, 2000 “Order Re Class Certification” in
5 *Kristensen v. Great Spring Waters of America*, No. 302774 (Cal. Super. Ct., San Francisco Cty.).

6 Exhibit 8: A true and correct copy of *Lethbridge v. Johnson & Johnson*, No. B105754
7 (Cal. Ct. App. Nov. 10, 1997).

8 Exhibit 9: A true and correct copy of the Aug. 29, 2000 “Order Re Class Certification” in
9 *Microsoft I-V Cases*, 2000-2 Trade Cas. (CCH) ¶73,013 (Cal. Super. Ct., San Francisco Cty.).

10 Exhibit 10: True and correct copies of the Orders of June 26 & Aug. 16, 1995 in
11 *Pharmaceutical Cases I, II, and III*, J.C.C.P. Nos. 2969, 2971 & 2972 (Cal. Super. Ct., San
12 Francisco Cty.).

13 Exhibit 11: A true and correct copy of the Jan. 29, 2004 “Order Granting Motion For Class
14 Certification” in *Smokeless Tobacco Cases I-V*, J.C.C.P. Nos. 4250, 4258, 4259 & 4262 (Cal.
15 Super. Ct.).

16 Exhibit 12: A true and correct copy of the “Ruling on Plaintiff’s Motion for Class
17 Certification” (March 19, 2007) in *Anderson Contr., Inc. v. Bayer AG*, No. CL 95959 (Iowa Dist.
18 Ct., Polk Cty.).

19 Exhibit 13: A true and correct copy of the Nov. 3, 1995 “Order Of Class Certification” in
20 *Donelan v. Abbott Labs., Inc.*, No. 94-C-709 (Kan. Dist. Ct.).

21 Exhibit 14: A true and correct copy of the “Memorandum Decision And Journal Entry On
22 Plaintiffs’ Motion For Class Certification” (May 4, 2004) in *Premier Pork, Inc. v. Rhone Poulenc*,
23 S.A., No. 00 C 3 (Kansas Dist. Ct.).

24 Exhibit 15: A true and correct copy of the “Journal Entry Of Decision By The Court Upon
25 Plaintiffs’ Motion For Class Certification” (Nov. 16, 2001) in *Smith v. Philip Morris Cos., Inc.*,
26 No. 00-CV-26 (Kan. Dist. Ct.).

27 Exhibit 16: A true and correct copy of the “Journal Entry” (Mar. 10, 2006) in *Todd v. F.*
28 *Hoffman-La Roche, Ltd.*, No. 98-C-4574 (Kan. Dist. Ct.).

Exhibit 18: A true and correct copy of the Nov. 21, 1995 “Order Granting Class Certification” in *Hagemann v. Abbott Labs., Inc.*, No. 94-221 (S.D. Cir. Ct., Hughes Cty.).

Exhibit 19: A true and correct copy of the Dec. 20, 2002 “Memorandum and Order” in *Sherwood v. Microsoft Corp.*, No. 99C-5362 (Tenn. Cir. Ct., Davidson Cty.).

Exhibit 20: A true and correct copy of the July 25, 2001 “Order Certifying Class Action” in *Capp v. Microsoft Corp.*, No. 00 CV 0637 (Wis. Cir. Ct., Dane Cty.).

Exhibit 21: A true and correct copy of the Mar. 23, 1995 Order in *Carlson v. Abbott Labs., Inc.*, No. 94-CV-002608 (Wis. Cir. Ct., Milwaukee Cty.).

Exhibit 22: True and correct copies of the “Decision And Order Granting Plaintiffs’ Motion For Class Certification” (May 10, 2004) in *Feuerabend v. UST Corp.*, No. 2002 CV 007124 (Wis. Cir. Ct., Milwaukee Cty.).

DATED: October 1, 2012

Respectfully submitted,

/s/ Mario N. Alioto

Mario N. Alioto

Mario N. Alioto (56433)
Lauren C. Russell (241151)
TRUMP, ALIOTO, TRUMP & PRESCOTT LLP
2280 Union Street
San Francisco, CA 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
Email: malioto@tatp.com
Email: lauren russell@tatp.com

Interim Lead Counsel for Indirect-Purchaser Plaintiffs